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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/532,942 | 08/23/2006 | David Pelz | 100M185-US1 | 2651 |
| 7278 7590 01/11/2008 DARBY & DARBY P.C. P.O. BOX 770 | | | EXAMINER | |
| | | | LEGESSE, NINI F | |
| Church Street S New York, NY | | | ART UNIT | PAPER NUMBER |
| | | | 3711 | |
| | | | | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 01/11/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) | |
|--|--|---|--|
| | 10/532,942 | PELZ, DAVID | |
| Office Action Summary | Examiner | Art Unit | |
| | Nini Legesse | 3711 | |
| The MAILING DATE of this communication ap | pears on the cover sheet w | ith the correspondence address | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b). | NATE OF THIS COMMUNI 136(a). In no event, however, may a will apply and will expire SIX (6) MO e, cause the application to become A | CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133). | |
| Status | | | |
| Responsive to communication(s) filed on 23 C This action is FINAL . 2b) ☐ This Since this application is in condition for alloware closed in accordance with the practice under the condition of th | s action is non-final. ince except for formal mat | • | |
| Disposition of Claims | | | |
| 4) ☐ Claim(s) 1-12 is/are pending in the application 4a) Of the above claim(s) 3-12 is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1 and 2 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or Application Papers 9) ☐ The specification is objected to by the Examine | n from consideration. or election requirement. | | |
| 10) The drawing(s) filed on is/are: a) accomposition and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11. | drawing(s) be held in abeya | nce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d). | |
| Priority under 35 U.S.C. § 119 | | | |
| 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list | ts have been received. ts have been received in a prity documents have been u (PCT Rule 17.2(a)). | Application No received in this National Stage | |
| Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date | Paper No | Summary (PTO-413) (s)/Mail Date Informal Patent Application | |

Application/Control Number:

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DETAILED ACTION

Applicant's response to the office action of 05/01/07 is acknowledged on 10/23/07.

Claim Objections

The status identifiers for claims 3-12 have the expression "(Previously presented)" at the beginning of each claims. The status identifiers of claims 3-12 should be changed to -- (Withdrawn) -- since Applicant has elected claims 1 and 2 without traverse in his response of 04/25/07.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pettigrew et al. (US Patent Application Publication No. 2001/0036870).

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Pettigrew discloses a golf ball comprising two equatorial o-rings (112 as shown on Figure 1A). Portion of the o-rings (112) and marking (114) could be considered as polar markings. The intended use of the claim is disclosed in paragraph 30 of the Pettigrew reference.

OR

In an event that one argues that portion of the o-ring 112 and marking 114 could not be considered as polar markings, claim 1 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Pettigrew in view of Inoue (US Patent No. 5,013,046). It would have been obvious to one of ordinary skill in the art to provide the Pettigrew device with multiple polar markings in order to identify multiple hit points. When these two references are combined the claimed intended use of the markings would obviously be met.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pettigrew in view of Inoue

Even though the polar markings do not have an o-ring shape, it would have been an obvious matter of design choice to make the different portions of the markings of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results.

Response to Arguments

Applicant's arguments with respect to claims 1 and 2 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

01/04/07

NINI F. LEGESSE

PRIMARY EXAMINER'